

UNIVERSITY OF ILLINOIS  
AT URBANA - CHAMPAIGN

Department of Anthropology  
109 Davenport Hall  
607 S. Mathews, MC - 148  
Urbana, IL 61801



**CONFIDENTIAL**

November 14, 2016

**CONFIDENTIAL & HAND DELIVERED**

Professor Mahir Saul  
109 Davenport Hall  
607 South Matthews  
M/C - 148

Dear Mahir,

I write to memorialize our conversation of November 14, 2016 where we met to discuss the report issued by the Office of Diversity, Equity and Access (ODEA), which summarizes a formal investigation by that office of complaints levied against you for misconduct. More specifically, you were the subject of an investigation initiated by an undergraduate student who claims you subjected her to sexual harassment. Though the report concluded, based on the available information, that your conduct did not rise to the level of being unlawful, the investigator found that your judgments and interactions raise concerns about your maintenance of appropriate professional boundaries with students. In particular, there are several incidents in the report where your engagement with students outside of the classroom appears to be outside the expected boundaries of the student-teacher relationship and work against our institutional values.

The University of Illinois is committed to fostering an educational environment that is free of even the perception of intimidation and harassment. As department head, it is my expectation that faculty will conform to conduct that upholds these values and standards. It is unacceptable for a faculty member to use his or her institutional position to seek intimate relations with a student and it will not be tolerated. To that end, I want to be clear in communicating my expectations of you going forward:

- You will adhere to your proper role as an intellectual guide and you will take no action that jeopardizes the student-teacher relationship or learning environment by exploiting this role.
- You will adhere to the code of professional conduct outlined in the *University Code of Conduct* (Enclosed) which outlines the obligations of all University employees to act in a manner that strengthens the public's trust and confidence in the integrity of the University. The *Code* specifically obligates employees to practice trustworthiness, respect and civility.
- You will adhere to the University's commitment to a workplace free of discrimination and harassment. So that you have the necessary resources to meet this expectation, you are required to contact Senior Associate Director Kaamiliyah Abdullah-Span in the Office of Diversity, Equity and Access to complete Title IX and workplace harassment prevention training. Ms. Abdullah-Span can be reached at 333-0885. The training must be completed by January 20, 2017.

Mahir, it is important you understand this is considered a serious employment matter that requires immediate redress. You are now placed on notice that if you again engage in behavior that violates University standards for conduct, including conduct that can be construed as sexually explicit, provocative or harassing, further employment actions may be taken to vacate your duties and to dismiss you from the university.

Again, you are expected to comply with the above-stated expectations and to act in a manner that is consistent with the standards and mission of the University of Illinois. I remain available to help you should you require additional support or resources to meet these obligations.

Sincerely,

[REDACTED]  
Lyle W. Konigsberg  
Head, Department of Anthropology

cc: Personnel File

Martin Camargo, Interim Dean, College of Liberal Arts and Sciences  
Jennie Marie Duran, Office of Diversity, Equity and Access  
Kaamiliyah Abdullah-Span, Office of Diversity, Equity and Access  
Sharon Reynolds, Academic Human Resources

# UNIVERSITY ETHICS AND COMPLIANCE OFFICE

## University Code of Conduct

This Code of Conduct establishes guidelines for professional conduct by those acting on behalf of the University including executive officers, faculty, staff, and other individuals employed by the University using University resources or facilities, and volunteers and representatives acting as agents of the University.

This is not an attempt to define specifically what one should and should not do, but to communicate the University's expectations of proper conduct and what professional conduct the University values. It is an expectation that the Code of Conduct serves as the basis, on which, employees should make decisions related to the best interests of themselves, their co-workers and the University. University policies, procedures, and state law serve to reinforce the concepts presented in the Code of Conduct.

## The Code

Those acting on behalf of the University have a general duty to conduct themselves in a manner that will maintain and strengthen the public's trust and confidence in the integrity of the University and take no actions incompatible with their obligations to the University.

With regard to professional conduct, those acting on behalf of the University should practice:

- Integrity by maintaining an ongoing dedication to honesty and responsibility;
- Trustworthiness by acting in a reliable and dependable manner;
- Evenhandedness by treating others with impartiality;
- Respect by treating others with civility and decency;
- Stewardship by exercising custodial responsibility for University property and resources;
- Compliance by following State and Federal laws and regulations and University policies related to their duties and responsibilities;
- Confidentiality by protecting the integrity and security of university information such as student records, employee files, patient records, and contract negotiation documents.

Those acting on behalf of the University shall seek appropriate guidance when faced with ethical dilemmas. For additional information related to ethical dilemmas, please contact the University Ethics and Compliance Office on the Toll-free Ethics Help Line at: 866-758-2146 or via e-mail at: [ethicsofficer@uillinois.edu](mailto:ethicsofficer@uillinois.edu).

UNIVERSITY OF ILLINOIS  
AT URBANA-CHAMPAIGN

Office of Diversity, Equity and Access  
1004 S. Fourth Street  
Champaign, Illinois 61820



**CONFIDENTIAL**

September 21, 2016

**INVESTIGATION INTO THE CLAIMS RAISED BY [REDACTED]**

**Introduction**

On behalf of the Office of Diversity, Equity, and Access (ODEA), I conducted an investigation into allegations raised by [REDACTED], an international undergraduate student at the University of Illinois at Urbana-Champaign (University). Through her allegations, which were first raised as an informal complaint and later converted to a formal complaint, [REDACTED] alleges that she was sexually harassed by Dr. Mahir Saul, a Professor within the University's Department of Anthropology. [REDACTED] alleges that Dr. Saul made inappropriate sexual comments to her, attempted to place her into situations where he could be alone with her, and sought to use his power and authority to encourage a romantic relationship with her.

**Summary of the Investigation**

My investigation into [REDACTED] claims consisted of interviews with both [REDACTED] and Dr. Saul, as well as with an identified witness and with others who raised similar concerns about Dr. Saul's behavior. In addition, I reviewed various emails, text messages and other documents, including those that were produced by [REDACTED] and Dr. Saul. The statements and the documents obtained during the investigation revealed little disparity between [REDACTED] and Dr. Paul in terms of the number of encounters that occurred between them and the lack of any physical contact during those encounters.

All of the encounters underlying [REDACTED] claim of sexual harassment appear to have occurred when she was alone with Dr. Saul and, as such, were not witnessed by others. The one exception to this is a dinner that [REDACTED] attended with a friend at Dr. Saul's home. Despite [REDACTED] contention that Dr. Saul did not allow her and her friend to freely leave the dinner, the friend when interviewed acknowledged that, even though Dr. Saul was upset that [REDACTED] wanted to end the dinner early, he returned both of them back to their home within a half hour of their request to leave and neither [REDACTED] nor she felt physically restrained or blocked from leaving the dinner on their own accord.

According to [REDACTED], during the other encounters in which they were alone, Dr. Saul invited her to dinner or coffee, conversed with her about lesbian love poems, referred to her as “sweetheart,” and made other comments and inquires that she found to be intrusive and made her feel uncomfortable. On one such encounter, Dr. Saul purportedly discussed with her the possibility of going on a day trip with him to Springfield, Illinois. While [REDACTED] contends that Dr. Saul offered her the option of staying overnight and asked her if she knew what “friends with benefits” meant, thereby insinuating that he was seeking sex with her, Dr. Saul denies any discussion of an overnight stay and maintains that he discussed the term “friends with benefits” within the context of advising her that he could not be her friend because he was her professor.

During the course of the investigation, two other individuals were identified as having concerns regarding Dr. Saul’s behavior, but did not want to file a complaint against him. One of those individuals stated that Dr. Saul made her feel uncomfortable by referring to her skin as being “pink and pale” when she once met with him during office hours, while the other individual recounted that Dr. Saul four years ago consistently asked her to join him for coffee and on one occasion kissed her on the top of her head and touched the middle side of her body when walking by her in a corridor. When questioned about these contentions, Dr. Saul admitted that he once commented to a student about how white her skin was after she self-disclosed she was of European descent, but denied the other contentions that were raised.

### **Analysis of the Claims**

In accordance with the *University’s Policies and Procedures for Addressing Discrimination and Harassment at the University of Illinois at Urbana-Champaign*, I reviewed [REDACTED] claims using a “preponderance of the evidence” standard. To uphold a claim under this standard, the evidence offered in support of the claim must be found to be more convincing than the evidence that is offered to the contrary. Based upon my analysis of [REDACTED] claims utilizing this standard, I have reached the following determination:

### **Sexual Harassment**

University policy defines sexual harassment as unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or education status in an academic course or program or a term or condition of an individual’s participation in a University activity; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or a decision affecting an individual’s education status in an academic course or program or an individual’s participation in a University activity; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile or offensive working or educational environment.

In order to establish a violation of this policy, the evidence gathered during the investigation therefore would need to establish that Dr. Saul engaged in unwelcome conduct of a sexual nature with [REDACTED] and that (a) [REDACTED] submission or opposition to the conduct was made an express or implied condition of her academic advancement (quid pro quo harassment), or (b) Dr. Saul’s behavior was sufficiently severe or pervasive as to create what a reasonable person would deem to be a hostile, intimidating, or repugnant environment (hostile environment).

Although [REDACTED] expressed in her complaint that she felt obligated to accept Dr. Saul's repeated requests to meet him for coffee or dinner and engage him in conversation because he was her professor and she was concerned that he may lower her grade if she refused, she acknowledged during the investigation that Dr. Saul never implicitly or explicitly conveyed to her that she would be provided a benefit or would suffer a detriment to her academic advancement at the University if she consented to or rejected a sexual relationship with him. As such, the evidence presented falls short of establishing a claim of quid pro quo harassment.

To establish a hostile environment claim, the evidence must establish that [REDACTED] was subjected to unwelcome harassment based upon her sex and that the harassment was so severe or pervasive that it altered the conditions of her education and created an abusive educational environment. While [REDACTED] asserts that Dr. Saul's conduct made her feel uncomfortable, she acknowledged during the investigation that she continued to accept his repeated invitations and continued to engage him and made no attempt to advise him that she found his conduct to be unwelcomed. As such, there is no evidence to suggest that Dr. Saul was put on notice that his attempts to meet or converse with her outside of the classroom were unwelcomed. Moreover, even if [REDACTED] accounts of the discussions between Dr. Saul and herself were found to be more credible, that evidence by itself would be insufficient to establish a hostile environment claim because the encounters between them were not sufficiently severe or pervasive to alter the conditions of [REDACTED] education. The requisite elements for establishing a hostile environment claim, therefore, have not been established in this case.

### **Conclusion**

The evidence obtained during the investigation does not support, by a preponderance of the evidence, [REDACTED] claims of sexual harassment. While her claims may not have met the legal standard for harassment, those claims in conjunction with the concerns raised by the other two individuals identified during the investigation call into question Dr. Saul's judgment and the perceptions that he is creating through his interactions with students outside of the classroom. In light of those concerns, the department may want to consider advising Dr. Saul and establishing parameters for him on what constitutes appropriate interactions with students outside of the classroom. Dr. Saul, in my opinion, also would benefit from receiving further training on sexual harassment and Title IX of the Education Amendments.

**This report is private and confidential. It should not be shared or circulated to others except as necessary for implementing recommendations.**

Respectfully submitted, [REDACTED]

Jennie Marie Duran  
Assistant Director

# UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN



**Office of Diversity, Equity, and Access**  
1004 South Fourth Street, Suite 310  
Champaign, IL 61820

August 2, 2018

## **CONFIDENTIAL**

### **I. Summary**

This matter involves allegations levied by [REDACTED], against Anthropology Professor, Dr. Mahir Saul. [REDACTED] is a [REDACTED] [REDACTED] by Dr. Saul during a yearlong research project he is currently conducting in Turkey. [REDACTED] alleged that Dr. Saul violated the University of Illinois at Urbana-Champaign's *Sexual Misconduct Policy* by sexually propositioning her and touching her waist and thigh.

[REDACTED] filed her complaint with the Office of Diversity, Equity and Access ("ODEA") on March 1, 2018. ODEA staff met with [REDACTED] via a Skype call on March 5, 2018. After the initial meeting with [REDACTED] she was not responsive to requests for a written complaint. ODEA staff summarized [REDACTED] complaint and notified Dr. Saul of the complaint. ODEA staff met with Dr. Saul via a Skype call on May 15 and May 16, 2018. After receiving the preliminary report in this matter, [REDACTED] reinitiated contact with ODEA and provided additional information and a witness.

Based on the statement of facts set forth below and my analysis of the *Sexual Misconduct Policy*, there is not a preponderance of evidence to support a finding that the *Sexual Misconduct Policy* was violated. However, the evidence does support that Dr. Saul engaged in conduct that violates the University's *Code of Conduct*. The factual admissions and findings made herein may be relied upon by the Anthropology Department Head, Dr. Brenda Farnell, in her evaluation of whether Dr. Saul's conduct violated other campus or College policies.

### **II. Allegations and Response**

#### **a. Complainant's Allegations**

[REDACTED] shared that she is a dismissed academic<sup>1</sup> and as such it is currently hard for her to find

<sup>1</sup> [REDACTED]  
[REDACTED]

[REDACTED] reported that on January 29, 2018 as she and Dr. Saul returned from a day in the field, he invited her into his apartment for dinner and wine. She accepted and relayed that they talked for approximately three hours. When [REDACTED] said that she needed to go home, Dr. Saul reportedly insisted that she stay. At this juncture, [REDACTED] stated that they were sitting opposite one another and he leaned forward, placing one hand on her waist and the other on her thigh. She reportedly told him that it was not a good idea for her to stay. He allegedly responded by saying several times that she was making him feel rejected and that it would be good for her if she stayed with him that night. He clarified that they did not have to sleep together, but that his bed was comfortable. [REDACTED] stated that it was obvious to her that Dr. Saul was trying to initiate a sexual encounter with her. [REDACTED] reported that she moved toward the door and put on her coat. She relayed that as she did this, Dr. Saul insisted on walking her home despite her declining his offer. She stated that he walked her to the street that her apartment was on and suggested that he come up for coffee. She declined his suggestion that he come up for coffee, and then they parted ways. Upon arriving home, [REDACTED] reported that she contacted a close friend, [REDACTED] and relayed to her what she had just experienced.

[REDACTED] reported that after the evening of January 29, 2018 she continued to work for Dr. Saul for three more weeks before deciding to resign. She stated that the relationship felt strained and she was uncomfortable around Dr. Saul after January 29, 2018. [REDACTED] shared that she resigned on February 20, and shared her frustrations on Facebook in the form of a post on her wall. In this Facebook post, [REDACTED], her hours and pay under Dr. Saul's employ, the harassment she experienced from research subjects and Dr. Saul, and the arrangements surrounding the possibility of authoring an article with Dr. Saul and the possibility of receiving research credit from Dr. Saul if he published his findings. (See **Exhibit A** for the original post written in Turkish and the parties' English translations.)

[REDACTED] noted that she felt Dr. Saul's position on authoring a paper with her changed after January 29, 2018. At the beginning of their relationship, she indicated that he was open to the idea of authoring a paper with her, but closed to the idea by the end of their professional relationship. Similarly, she stated that he was open to giving her credit in the forward acknowledgement of his book at the beginning of their professional relationship, but closed to the idea at the end of their relationship.

[REDACTED] shared that throughout their professional relationship, when she and Dr. Saul met, he greeted her with a kiss on either cheek and put his hand around her waist. [REDACTED] reported that his kisses landed uncomfortably close to her lips. She also shared a time that Dr. Saul told her about a female acquaintance of his who had been catcalled by a man in public. Dr. Saul allegedly told her that the man on the street called out, "I want to fuck you in the mouth" and that the woman felt aroused.

After leaving her employment with Dr. Saul, [REDACTED] met one of Dr. Saul's former students.

[REDACTED]

[REDACTED]

[REDACTED] reported that this former female student shared with her that Dr. Saul had used his influence as a senior academic to pressure her into spending the night with him after inviting her to dinner at his home. The student shared with [REDACTED] that they did not engage in sexual intercourse, just laid in his bed together. I requested this student's name and contact information but [REDACTED] relayed that the student wishes to remain anonymous so I did not interview her.

### **b. Respondent's Response to Allegations**

Dr. Saul stated that in hiring a [REDACTED], he asked a Turkish colleague to recommend candidates. After informal interviews, Dr. Saul had two finalist, one man and one woman, who were both dismissed academics. The male applicant withdrew due to other obligations, and Dr. Saul hired [REDACTED]. Dr. Saul stated he did not seek out a dismissed academic, but acknowledged that he knew [REDACTED] was one before meeting her. Dr. Saul stated that [REDACTED] began working for him in mid-December 2017 with the bulk of her research being done from mid-January to mid-February, 2018 (approximately five weeks). Dr. Saul stated that [REDACTED] was new to the subject matter of his research and to the discipline.

Dr. Saul stated that on January 29, 2018 he and [REDACTED] spent a long day in the field. He stated that they had not eaten that day and he suggested they get some food from a deli and eat in his apartment. Dr. Saul stated that [REDACTED] agreed. Once in his apartment he stated that they had an alcoholic beverage with their food. Dr. Saul denied that he asked her to spend the night or that he said it would be good for her if she stayed. He similarly denied that he touched her. Dr. Saul reported that he offered to walk her home as a courtesy. He stated that she may have told him not to bother, but stated he did not have a bad motive in providing this courtesy. Dr. Saul reported that he did not go as far as her house, and only walked her half way to her home, to a place called [REDACTED]. Dr. Saul does not feel that he walked [REDACTED] home against her will and he denied asking to go into her apartment for coffee. Dr. Saul also noted that [REDACTED] lived with a roommate during this time.

Dr. Saul stated that [REDACTED] told him that after the dinner at his house she felt uncomfortable because they were becoming too intimate in the conversation. He apologized for any discomfort she had experienced. Dr. Saul could not identify any conversation that he felt was intimate, stating that nothing was flirtatious. Dr. Saul ventured that it may have been due to the length of time they spent talking in his apartment. He stated he felt the comment was made as an excuse not to work.

Dr. Saul stated that it is a common custom in Turkey to greet others with a hug and a kiss on either cheek. Dr. Saul went on to explain that in this custom, he does not actually kiss the other person; he just touches cheeks with them. Dr. Saul stated that [REDACTED] initiated this custom when they met and denied that he ever initiated the contact.

Dr. Saul confirmed that the cat-calling event occurred to someone he knew, but he could not recall telling [REDACTED] about it. Dr. Saul clarified that the comment was not called aloud, but rather whispered in his friend's ear in a busy public place. After the stranger whispered this, she told Dr. Saul about it shortly afterwards. Dr. Saul shared that this is a traumatic memory for him.

Although he could not recall telling [REDACTED] about this, he stated he did not share this information in an intimate setting as they were never in an intimate setting together. Dr. Saul felt it could have come up during one of their research interviews. Dr. Saul did not think that [REDACTED] [REDACTED] could have discovered this information from anyone else.

Dr. Saul agreed that he and [REDACTED] spoke about co-authoring a journal article in the future and he agreed that they could do that and that it would be interesting. They had not discussed specifics of this proposed project, such as a topic, forms of evidence, or division of labor. Dr. Saul reported that co-authoring papers is not very common in Anthropology, but thought of it as a way to help a junior academic. Dr. Saul denies saying that he affirmatively was not going to publish with her, but they did not broach the topic again after their relationship deteriorated, as their short employment relationship did not afford them the time to formulate the details of a collaboration.

Dr. Saul stated that at the end of their employment relationship, [REDACTED] requested that Dr. Saul put her name on the main publication that would potentially result from the research Dr. Saul was conducting in Turkey. Dr. Saul interpreted this as a request to be a co-author on the resulting publication. The colleague that referred [REDACTED] to Dr. Saul reportedly explained to Dr. Saul that [REDACTED] merely wanted her name in the preliminary acknowledgements. Dr. Saul stated that this is a minimal courtesy that everyone extends to those who helped with research. He stated that this is so standard that he did not understand [REDACTED] request to mean she wished to appear in the preliminary acknowledgements.

Dr. Saul believes that [REDACTED] resigned because she found the job overwhelming. He went on to say that she did not contribute as much as Dr. Saul expected her to. Dr. Saul explained that his research consisted of interviewing immigrants whenever they were available and willing to talk to him. He had hoped that [REDACTED] would work independently to double his productivity, but he stated that she was reluctant to go out on her own.<sup>2</sup> Dr. Saul reported that two days after he asked her to work on her own, via email, she called him, not having responded to the email. He stated that she said her pay was too low and the work was hard.<sup>3</sup> He went on to say that he did not fire her, she quit during this phone call, which was long and emotional. Dr. Saul stated that [REDACTED] did not mention the January dinner in this call, but talked about the work conditions, having her name in the publication, and that she felt exploited.

Dr. Saul stated that the allegations at hand imply he had control over her [REDACTED], or the ability to punish or sanction her. Dr. Saul stated that he was in no position to advance or hinder Dr.

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<sup>2</sup> [REDACTED] stated that Dr. Saul's' ideal research design was that the [REDACTED] be in the field alone in order to increase productivity. However, she stated that he also told her that he preferred not to be alone and to have her company in the field. [REDACTED] noted that she did go to the field by herself several times, but demanded they go together when conducting fieldwork in certain dangerous neighborhoods out of concern for her personal safety.

<sup>3</sup> [REDACTED] denied that she complained of the harassment due to any element of the work. She stated that she did not find the job difficult, but did think his expectations were unfair in relation to the salary. She reported that she was expected to do field work 5-6 days per week for 3000TL (approximately \$660) per month. Dr. Saul disagrees, stating she was expected to work full-time, with a combination of fieldwork and deskwork. Dr. Saul noted that the exchange rate at the time [REDACTED] was hired made her salary equivalent to \$909.

[REDACTED]’s career. Dr. Saul reported that he was the vulnerable person in this situation, not [REDACTED]. [REDACTED] He stated that he was alone in the country, working independently, with no network. He noted that [REDACTED] was very bossy, with a dominating personality. Dr. Saul stated that she failed to provide him with the key to the interviews she conducted and her field reports for her last week’s work, which hurt his research progress. Dr. Saul sent [REDACTED] an email on February 20, 2018 after she resigned in order to create a written record of her resignation and ask her to let him know promptly if she wanted to reconsider her decision. Dr. Saul also requested [REDACTED] field notes and the code numbers for their interviewees in this email. Dr. Saul closed the email by explaining to [REDACTED] that the grant he was awarded went to cover his research expenses and did not increase his personal income. (See **Exhibit B** for the original email written in [REDACTED] and the parties’ English translations.)

Dr. Saul shared that he learned of [REDACTED] Facebook post from a postdoctoral fellow who had seen the post. Dr. Saul reported that out of concern for Dr. Saul, the postdoctoral fellow came to Dr. Saul’s apartment to discuss what [REDACTED] had shared on Facebook. Dr. Saul shared that in conversation with this person he showed them a text message that [REDACTED] had sent him. Dr. Saul reported that the postdoctoral fellow was very surprised by [REDACTED] impolite tone.

#### c. Witness Statement

I spoke with an Anthropology graduate student who had been put in touch with [REDACTED] by a mutual acquaintance after [REDACTED] posted about her experience working for Dr. Saul on Facebook. [REDACTED] posted on Facebook on February 20, 2018. The graduate student does not know [REDACTED] and never met with her in person. The graduate student shared [REDACTED] concerns with the University, which ultimately prompted this investigation.

I spoke with [REDACTED] who has been friends with [REDACTED] since they met at University in 2010. [REDACTED] shared that she lives in [REDACTED] but speaks with [REDACTED] once or twice a week. [REDACTED] shared that she had discussed [REDACTED] accepting this job with Dr. Saul and the problems with the hours and the salary before the evening on January 29, 2018.

[REDACTED] reported that [REDACTED] contacted her on Facebook messenger upon returning to her apartment on January 29, 2018. [REDACTED] originally thought that this conversation occurred around 10pm or later, but after consulting her Facebook messenger found the conversation occurred at 2:53 AM on January 30, 2018. During this conversation, [REDACTED] told [REDACTED] that Dr. Saul had harassed her that evening, inviting her into his home and then asking her to stay and sleep in his bed. [REDACTED] relayed to [REDACTED] that this occurred after they had had some drinks. [REDACTED] told [REDACTED] during this conversation that Dr. Saul told her many times that she was making him feel rejected. The conversation then progressed to [REDACTED] expressing concern about her losing her job because she rejected his advances and how it will be difficult for her to find another job. (See **Exhibit C** for the original Facebook messenger screen shots in Turkish and the English translation provided by [REDACTED])

### III. Analysis

The University's *Sexual Misconduct Policy* defines sexual harassment as unwelcome sexual, sex-based, or gender-based conduct, whether verbal, written, electronic and/or physical in nature that is either:

- A. (1) sufficiently severe or pervasive; and (2) objectively offensive; and (3) unreasonably interferes with, denies, or limits a person's ability to participate or benefit from educational and/or employment opportunities, assessments, or status at the University; or
- B. By a person having power or authority over another in which submission to such conduct is made explicitly or implicitly a term or condition of educational and/or employment opportunities, participation, assessments, or status at the University.

In accordance with the University's *Procedural Guidelines for Handling Discrimination and Harassment Complaints under the Nondiscrimination Policy of the University of Illinois at Urbana-Champaign*, I reviewed [REDACTED] claims using a preponderance of the evidence standard. To uphold a claim under this standard, the evidence offered in support of the claim must be found to be more convincing than the evidence offered to the contrary.

There are both undisputed and disputed facts in this matter. It is undisputed by the parties that Dr. Saul hired [REDACTED] to act as a [REDACTED] at the end of 2017, and that the employment relationship ended by way of [REDACTED] voluntary resignation. It is not contested that [REDACTED] is a dismissed academic, nor that her status made it difficult for her to find work in her field. Both parties agree that Dr. Saul was aware of her status as a dismissed academic when he hired her. It is undisputed that [REDACTED] felt that the pay was low for the hours she worked. However, with the exception of the first month, when she took 10 days off to finish her dissertation, she was expected to work the hours and receive the pay that they had first agreed upon when she was hired.

Both parties relayed that Dr. Saul and [REDACTED] ate dinner and had a drink together in his apartment after a long day of fieldwork. They agree that they ate, drank, and spoke for several hours before [REDACTED] announced that she was going to go home. At this point, the narratives diverge. Dr. Saul denies that he requested that [REDACTED] spend the night with him, that he touched her waist and/or thigh, that he told her that it would be good for her to stay, or that he told her she was making him feel rejected by declining his advances.

It is Dr. Saul's position that [REDACTED] resigned because she was overwhelmed with the work and dissatisfied with the pay, yet she was aware of the terms of the employment at the time she took the job. It seems unlikely that she would terminate her employment with Dr. Saul, given her vulnerable economic position, because of the terms of the job that she agreed to. However, it could be argued that [REDACTED] disgruntled with the work conditions, resigned because it was more than she could cope with, and then, out of a sense of retaliation filed a fraudulent claim against Dr. Saul as a way of getting even with him for making her feel exploited. Dr. Saul stated that [REDACTED] was the one with the power in their relationship as he was working alone without a network or support in her country of origin.

I find Dr. Saul's argument that he was the vulnerable party in this scenario unconvincing. He is a tenured professor at an R1 institution in the United States of America. It is hard to imagine a more stable or secure employment arrangement. While he was in another country,

he still had the resources of his income, benefits, and resources of the University of Illinois at his disposal. In addition, he had the financial backing of his grant. He also had all the protections associated with living and working in the United States for the last several decades. In contrast, [REDACTED] was at odds with the controlling political regime in her country, putting her in a vulnerable position. Her decision to take what she considered a poor paying job highlights this point. Her conversation with [REDACTED] in the early hours of January 30 also emphasizes her vulnerability. She wrote that she had suffered “heavy harassment” and was asked to spend the night with [REDACTED], but she did not feel at liberty to leave the job, worrying that it would be difficult to find another job. She goes on to tell [REDACTED] she recently had a job interview but did not receive a job offer.

The evidence does not support the argument that [REDACTED] fabricated this claim after resigning her position. While [REDACTED] did not immediately resign from this position, she did reach out to a friend for support within hours after it occurred. The Facebook messenger screen shots show that [REDACTED] reached out to [REDACTED] the same night the incident occurred and shared that Dr. Saul said, “don’t leave, stay with me, sleep in my bed.” [REDACTED] shared with [REDACTED] that [REDACTED] had told her many times, “you made me feel rejected.” The situation made [REDACTED] feel that she had escaped from his apartment.

Another piece of evidence that undermines the theory that [REDACTED] fabricated this complaint after resigning is that the same day she resigned, she posted on Facebook all of the ways she felt she had been mistreated. In this post, she describes how much she had to work, the difficult work conditions, and the low pay. However, she also included that she had to handle sexual advances from Dr. Saul. She notes again in this Facebook post that he told her that he felt rejected by her reaction to his advances. She also shares in this post that Dr. Saul told her that it would be good for her if she stayed with him that night.

Dr. Saul shared that the cat-calling incident had an emotional impact on him, stating that it was a traumatic memory. Even though this was a significant event, he could not recall sharing it with [REDACTED]. Dr. Saul did not believe [REDACTED] could have learned of the incident other than from him, but yet she knew the details of the event. This casts doubt on his ability as an accurate historian about what occurred between himself and [REDACTED].

In evaluating the parties’ credibility I did not consider [REDACTED] allegations that another student had been pressured into spending the night with Dr. Saul. This was due to the fact that I was not able to speak to the witness to obtain sufficient details for Dr. Saul to respond to the allegation or assess the witness’ credibility.

The Facebook messenger conversation with [REDACTED] and the Facebook post show that [REDACTED] has remained consistent in her allegation that Dr. Saul requested and pressured [REDACTED] to spend the night with him. However, she does not mention touching her leg and waist in either communication, she just refers to “heavy harassment” in the conversation with [REDACTED]. This leaves the evidence of the touching to be [REDACTED] word against Dr. Saul’s word.

Based on all the evidence, I conclude that [REDACTED] is a credible witness in her testimony that Dr. Saul asked her to spend the night on January 29, 2018. However, to the extent that [REDACTED] is asserting a hostile environment claim, her allegations, even if all taken as true, are not sufficiently severe or pervasive to establish a viable claim. The behavior alleged by

[REDACTED] touching her thigh and waist while asking her to spend the night, is not considered severe under the *Sexual Misconduct Policy*, nor by definition can this single incident be considered pervasive. Therefore, Dr. Saul's behavior on January 29, 2018 is not sufficient to establish a violation of the *Sexual Misconduct Policy*.

In evaluating [REDACTED] claim of sexual harassment, I also consider her complaint about the greeting custom that Dr. Saul participated in, kissing on either cheek and putting his arms around her waist. While this behavior was pervasive, occurring every time they met, the custom of hugging and kissing both cheeks is a rather common one. It is not considered sexual conduct and is generally not objectively offensive. As such, there is no basis for finding a violation of the University's *Sexual Misconduct Policy* based on this behavior.

Similarly, I analyzed whether sharing the anecdote about the cat-calling incident represents a violation of the *Sexual Misconduct Policy*. I found [REDACTED] credible that Dr. Saul told her about this incident as there was no other way she could have learned about it. This was the only sexual comment [REDACTED] alleged that Dr. Saul made during her time working for him. Comments are generally not considered severe conduct, nor was this one-time comment pervasive conduct. Therefore sharing this statement does not represent a violation of the University's *Sexual Misconduct Policy*.

[REDACTED] did not provide information that would support a quid pro quo claim. Quid pro quo harassment occurs when enduring the offensive conduct becomes a condition of continued employment or participation. [REDACTED] stated that she resigned her position voluntarily a few weeks after the evening in his apartment. I would further note that Dr. Saul, in his email documenting her resignation appears open to her continued employment. He asks her to let him know as soon as possible if she would like to reconsider resigning. I would also note that he offers to pay her for the final few days she had worked if she provides him with her notes.

In assessing whether Dr. Saul's alleged change of position regarding co-authoring a paper would support a quid pro quo claim, I look to the level of formality surrounding the prospect of co-authorship. Both parties gave the impression that the conversation surrounding co-authoring a paper was a casual one. Neither one shared an agreed topic or timeline for such a paper. While they did discuss co-authoring initially, once their relationship soured, Dr. Saul was less open to the idea. The change in his position, and the agreement itself, are too nebulous to consider it a formal arrangement, or a condition of her employment, it was more a possibility. This sequence of events does not constitute quid pro quo harassment.

Although the evidence does not support that Dr. Saul violated the *Sexual Misconduct Policy*, it is my determination that his actions were unprofessional and have violated the University's *Code of Conduct*. The *Code of Conduct* states that:

Those acting on behalf of the University have a general duty to conduct themselves in a manner that will maintain and strengthen the public's trust and confidence in the integrity of the University and take no actions incompatible with their obligations to the University. With regard to professional conduct, those acting on behalf of the University should practice:

- Integrity by maintaining an ongoing dedication to honesty and responsibility;

- Trustworthiness by acting in a reliable and dependable manner;
- Evenhandedness by treating others with impartiality;
- Respect by treating others with civility and decency;
- Stewardship by exercising custodial responsibility for University property and resources;
- Compliance by following State and Federal laws and regulations and University policies related to their duties and responsibilities;
- Confidentiality by protecting the integrity and security of university information such as student records, employee files, patient records, and contract negotiation documents.

Dr. Saul's conduct compromised not only the integrity of his role as a Professor but also that of the department. As the *Code of Conduct* articulates, honesty, fairness, and treating others with civility and respect reflect fundamental principles of conduct expected of all University employees. As evidenced herein, Dr. Saul has failed to adhere to these bedrock principles by pressuring his employee, a vulnerable junior academic, to spend the night with him. Such conduct was disrespectful to [REDACTED] would weaken the public's trust and confidence in the integrity of the University. Accordingly, I find that his conduct violated the spirit and letter of the University's *Code of Conduct*.

#### **IV. Conclusion**

Based on the interviews with the complainant, respondent, and witness, there is not a preponderance of evidence to support a finding that Dr. Saul sexually harassed [REDACTED]. However, said evidence does support a finding that Dr. Saul violated the *Code of Conduct*.

ODEA recommends that Dr. Saul not be allowed to meet one-on-one with female students or junior female employees in University spaces.

This concludes ODEA's investigation. Dr. Farnell will have 28 days to submit the department's written response to ODEA. Anyone who wishes to appeal this determination must submit the appeal with supporting documentation to Michael DeLorenzo, Senior Associate Chancellor for Administration and Operations within fourteen (14) calendar days from the receipt of the department's written response.

**This report is private and confidential. It is not be shared or circulated to others.**

Sincerely,



Claire Sharples Brooks  
Equal Employment Opportunity Investigator



## COLLEGE OF LIBERAL ARTS & SCIENCES

Department of Anthropology  
109 Davenport Hall, MC-148  
607 S. Matthews Ave.  
Urbana, IL 61801-3636

### Office of Diversity, Equity, and Access

1004 South Fourth St. Ste 310  
Champaign, IL 61820

August 30, 2018

### Department of Anthropology Response to ODEA Report of August 2, 2018

I agree with the findings of the ODEA investigation that there is not a preponderance of evidence to support a finding that the University's *Sexual Misconduct Policy* was violated. However, the evidence does support the finding that Dr. Saul engaged in unprofessional conduct that has violated the University's *Code of Conduct*. He has compromised the integrity of his role as professor and also that of the anthropology department.

I cannot, however, agree with the recommendations of the IDEA report. I find them insufficient given an earlier *Code of Conduct* violation. A previous ODEA investigation of Dr. Saul's conduct in 2016 presented identical findings (plus credible written evidence from two additional incidents). At that time, Dr. Saul received a letter from the department head, Lyle Konigsberg, which laid out clear expectations for changes in his conduct going forward. Dr. Saul was also required to undergo workplace harassment prevention training at that time. That letter also stated:

“...it is important that you understand this is considered a serious employment matter that requires immediate redress. You are now placed on notice that if you again engage in behavior that violates University standards for conduct, including conduct that can be construed as sexually explicit, provocative or harassing, further employment actions may be taken to vacate your duties and to dismiss you from the university.” (Konigsberg 11/14/16).

I regret to conclude that it is the department's position that such employment actions are now warranted.

Sincerely,

[REDACTED]  
Brenda Farnell  
Professor and Head  
Department of Anthropology



## **COLLEGE OF LIBERAL ARTS & SCIENCES**

Department of Anthropology  
109 Davenport Hall, MC-148  
607 S. Matthews Avenue  
Urbana, Illinois 61801-3636

November 21, 2018

### **STRICTLY PERSONAL AND CONFIDENTIAL**

Professor Mahir Saul  
Department of Anthropology  
109 Davenport Hall, MC-148  
607 S. Matthews Avenue  
Urbana, Illinois 61801

Re: Responsibilities

Dear Professor Saul:

As we discussed in our meeting last month, I share in my role as Department Head the concerns raised by the Office for Access and Equity (OAE) regarding your ability to interact appropriately with women. Although OAE determined, as part of its investigation into a complaint brought by a [REDACTED] [REDACTED] that your conduct did not cross the high legal threshold needed to establish sexual harassment or sexual misconduct, the OAE nevertheless found the [REDACTED] allegations that you had inappropriately propositioned and touched her to be credible. Based on that finding, OAE recommended that you not be allowed to meet individually with female students or junior female colleagues.

As you are aware, this is not the first complaint that has surfaced regarding your interaction with women. Following another incident that occurred just two years ago, you were explicitly warned about engaging in sexually related behavior and informed that, because that behavior violates the University's expected standards of conduct, further displays of such behavior could result in employment action being taken against you, including the potential removal of duties and your possible dismissal from the faculty.

Given that the University continues to receive complaints about your behavior despite this prior counseling, and consistent with OAE's recommendation, I have decided to preclude you from meeting individually with any female students, junior faculty or staff. If it should be necessary for you to meet with any female students, junior faculty or staff, you will need to make necessary arrangements in advance to have another faculty or staff member present during that meeting. In addition, I also have decided to eliminate all of

your teaching and mentoring responsibilities. As such, you will no longer be providing any classroom instruction or serving as a mentor to any undergraduate or graduate students. Instead, your entire time going forward will be devoted to performing administrative duties that are assigned to you from time to time by either the Dean's office or by me. If no appropriate administrative duties can be identified for you to perform, your faculty appointment may need to be modified to reflect your reduced contribution to the University's mission. Further modifications to your faculty appointment, including potential dismissal, also could occur based on any recommendations that may stem from the ongoing campus-wide review of University policy on this subject.

Both the University as a whole and this department in particular are committed to providing a safe and welcoming academic and work environment that is free of all forms of discrimination and harassment. All members of this department, therefore, are expected to conduct themselves at all times in a manner that is consistent with and promotes this commitment. In addition, all members of this department are expected to strictly adhere to the University's Code of Conduct, which requires all University employees to act in a manner that strengthens the public's trust and confidence in the integrity of this institution by demonstrating trustworthiness, respect and civility. Neither the University nor this department will tolerate any further deviations from these expectations by you.

Please do not hesitate to contact me should you have any questions regarding our expectations or your responsibilities going forward.

Sincerely,



Brenda M. Farnell  
Professor and Head of Department

cc: Dr. David Tewksbury, Executive Associate Dean, College of Liberal Arts and Sciences  
Dr. Leslie Arvan, Senior Director of Labor and Employee Relations, Illinois Human Resources  
Personnel file